

Nov 08, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZAYNE KENT BARBRE,

Defendant.

No. 4:17-CR-06040-SMJ

PROTECTIVE ORDER

Before the Court, without oral argument, is The United States' Motion for a Protective Order, ECF No. 8, and related Motion to Expedite, ECF No. 9. Having reviewed the pleadings and the file in this matter, the Court is fully informed and finds that a protective order pursuant to 18 U.S.C. § 3509 (d) is necessary in this case. Accordingly the Court **GRANTS** the United States' motions and enters the following protective order:

IT IS HEREBY ORDERED, that the privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case, thus;

1 IT IS FURTHER ORDERED that all persons acting in this case in a
2 capacity described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the
3 privacy protections of 18 U.S.C. § 3509(d)(1) and (2) as follows:

4 (d) Privacy protection.—

5 (1) Confidentiality of information.—

6 (A) A person acting in a capacity described in
7 subparagraph (B) in connection with a criminal
8 proceeding shall—

9 (i) keep all documents that disclose the
10 name or any other information
11 concerning a child in a secure place to
12 which no person who does not have
13 reason to know their contents has access;
14 and

15 (ii) disclose documents described in clause
16 (i) or the information in them that
17 concerns a child only to persons who, by
18 reason of their participation in the
19 proceeding, have reason to know such
20 information.

(B) Subparagraph (A) applies to—

(i) all employees of the Government
connected with the case, including
employees of the Department of Justice,
any law enforcement agency involved in
the case, and any person hired by the
Government to provide assistance in the
proceeding;

(ii) employees of the court;

1 (iii) the defendant and employees of the
2 defendant, including the attorney for the
3 defendant and persons hired by the
4 defendant or the attorney for the
5 defendant to provide assistance in the
6 proceeding; and

7 (iv) members of the jury.

8 (2) Filing under seal.—All papers to be filed in court that
9 disclose the name of or any other information
10 concerning a child shall be filed under seal without
11 necessity of obtaining a court order. The person who
12 makes the filing shall submit to the clerk of the
13 court—

14 (A) the complete paper to be kept under seal; and

15 (B) the paper with the portions of it that disclose
16 the name of or other information concerning a
17 child redacted, to be placed in the public
18 record.

19 (C) the search warrants in this case contain
20 personal and identifying information regarding
the minor victims in this case. The
Government will follow the procedure as
described in paragraph (A) and (B) to comply
with the provisions of 18 U.S.C. § 3509(d).

IT IS FURTHER ORDERED that counsel shall remind all persons
providing assistance on this case of these obligations.

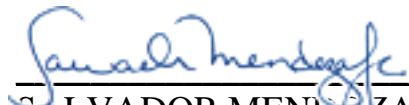
IT IS FURTHER ORDERED that any alleged minor victim will be referred
by a pseudonym agreed upon by counsel for the United States and the
Defendant. Counsel shall be consistent in their use of the identifier selected.

1 The parties shall prepare their witnesses and instruct them to refer to the alleged
2 minor victims only by using the agreed pseudonyms (e.g., "Jane Doe 1", "Jane
3 Doe 2" etc.), rather than their names, in opening statements and in closing
4 arguments.

5 IT IS FURTHER ORDERED that all personal information relating to any
6 minor victim shall be precluded from public disclosure.

7 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
8 provide copies to all counsel.

9 **DATED** this 8th day of November 2017.

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11 SALVADOR MENDOZA, JR.
12 United States District Judge
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